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 SAN FRANCISCO BAY AREA RAPID TRANSIT
 DISTRICT

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO BAY AREA RAPID
 TRANSIT DISTRICT,

Plaintiff,

vs.

GE TRANSPORTATION SYSTEMS
 GLOBAL SIGNALING, LLC,

Defendant.

AND RELATED COUNTERCLAIM

Case No. C 06 3749 JSW

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR EVIDENTIARY RULING RE
 THIRD PARTY DOCUMENTS**

Complaint Filed: June 13, 2006
 Trial Date: February 22, 2010

Defendant and Counterclaimant GE TRANSPORTATION SYSTEMS GLOBAL SIGNALING, LLC and Plaintiff and Counterdefendant SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT hereby stipulate, through counsel, that copies of records obtained by subpoena from the third parties listed below are authentic and satisfy the best evidence rule, and that sufficient foundations have been established under Rule 803(6) of the Federal Rules of Evidence so as to except the records from the application of the hearsay rule. As to such third parties, the original or a duplicate of a record produced pursuant to subpoena which would be admissible under Rule 803(6) if accompanied by a written declaration of its custodian or other qualified person, pursuant to Rule 902(11), shall be admissible without such declaration or the testimony of the custodian.

The parties preserve their right to object to the admission into evidence of such records on any ground other than authenticity, the best evidence rule or hearsay.

The third parties whose records are covered by this stipulation are:

Battelle Memorial Institute

Alstom Signaling, Inc.

Ansaldo STS USA, Inc. (fka, Union Switch & Signal, Inc.)

Booz Allen Hamilton, Inc.

Raytheon Co.

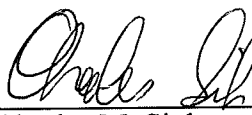
Sandia National Laboratory

Siemens Transportation Systems, Inc.

Washington Division of URS Corp. (fka Morrison Knudsen, Washington Group)

DATED: July 23, 2009

FARELLA BRAUN + MARTEL LLP

By: 
Charles M. Sink

Attorneys for Defendant and Counterclaimant
GE TRANSPORTATION SYSTEMS
GLOBAL SIGNALING, LLC

1 DATED: July 23, 2009

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15 TRANSIT DISTRICT

16 ORDER

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 DATED: July 27, 2009

19 
20 HONORABLE JEFFREY S. WHITE
21 United States District Judge